REMARKS

Claims 67-74, 76-82, 84-117 and 119-127 are pending in the application.

Claims 67-74, 76-82, 84-117 and 119-127 have been rejected.

Claims 67, 85, 86-89, 93, 97, 101, and 110 have been amended.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 67-74, 76-82, 84-117 and 119-127 stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over U.S. Publication No. 2003/0076781 by Enomoto ("Enomoto") in view of U.S. Patent No. 5,918,020 issued to Blackard ("Blackard"), and in further view of U.S. Patent No. 7,369,504 issued to Davis ("Davis"). Applicants respectfully traverse this rejection.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Applicants respectfully submit that the proposed combination of Enomoto, Blackard, and Davis fails to disclose each limitation of Applicants' claim 67, which has been amended to recite:

A method comprising:

for each of a plurality of media access control (MAC) devices to which data is to
    be transmitted over a ring topology network, providing a corresponding
    queue, wherein each corresponding queue is configured to transmit data in
    a first egress direction and a second egress direction over the ring topology
    network;

receiving data, from a local client, destined for a client of a first MAC device of
    the plurality of MAC devices;

storing at least a portion of the data in a first queue corresponding to the first
    MAC device;

receiving information generated by the client of the first MAC device indicating a
    need to change an amount of data being transmitted to the client of the
    first MAC device, wherein the information is generated by the client of the
    first MAC device in response to the client of the first MAC device
    determining that the client of the first MAC device is receiving data at a
    rate exceeding a set threshold;

receiving information indicating a bandwidth limitation for each link of the ring
    topology network between the local client and the first MAC device; and

selectively transmitting data stored in the first queue to the first MAC device,
    wherein

        a rate at which the selectively transmitting is performed is based at least in
            part on at least a portion of the information indicating the need to
            change the amount of data being transmitted to the client of the
            first MAC device and at least in part on the information indicating
            a bandwidth limitation for each link of the ring topology network
            between the local client and the first MAC device, and

        the selectively transmitting further comprises transmitting data stored in
            the first queue in a selected one of the first egress direction and the
            second egress direction.

For example, Blackard, and Davis fails to disclose that information indicating a

need to change an amount of data being transmitted to the client of the first MAC device

"is generated by the client of the first MAC device in response to the client of the first

MAC device determining that the client of the first MAC device is receiving data at a rate

exceeding a set threshold." The Office Action cites to Enomoto as purported disclosure of

"receiving information generated by the client of the first MAC device indicating a need

to change an amount of data being transmitted to the client of the first MAC device." *See*

Office Action, p. 3. Applicants note that the cited passages of Enomoto explicitly disclose

that a congestion control node detects congestion. *See* Enomoto, ¶ [0237] (cited at Office

Action, p. 3). Furthermore, Enomoto discloses that the congestion control nodes detect

congestion on the ring network. *See* Enomoto, ¶ [0112]. Thus, the cited passages of

Enomoto fail to disclose a client determining that the client is receiving data at too great a rate.

Furthermore, Enomoto's detects congestion in a transit buffer, not in a client itself. *See* Enomoto, ¶ [0237]. Thus, the cited portions of Enomoto fail to disclose that the client is receiving data at too great a rate. Applicants note the Examiner conceded Enomoto's failure to disclose a client determining that the client is receiving data at too great a rate in prosecution of a related application (United States Patent Application Serial No. 10/643,490 (*see* the Non-Final Office Action dated June 18, 2008 in the prosecution history of that application)). The Office Action fails to suggest that the other references, Blackard or Davis, disclose this limitation. Thus, Applicants respectfully submit that not only does Enomoto fail to disclose this limitation of Applicants' claims, but that Blackard and Davis, when taken alone or in combination with each other and/or Enomoto also fail to disclose this limitation.

Applicants respectfully submit that the proposed combination of Enomoto, Blackard, and Davis also fails to disclose "receiving information indicating a bandwidth limitation for each link of the ring topology network between the local client and the first MAC device," and that a rate at which data is transmitted is based "at least in part on the information indicating a bandwidth limitation for each link of the ring topology network between the local client and the first MAC device," as claimed. The amended claims recite that the rate at which data is transmitted from the claimed queues is based, in part, on the bandwidth limitations of each link the data will traverse between the client that transmits the data and the data's destination. Thus, if data must traverse two links of the ring network to travel from the transmitting client to the destination MAC device, the data will be subject to rate shaping for congestion of both links. Support for this amendment is found, at least, at ¶ [0058] of the originally filed Application. Applicants respectfully submit that shaping on the basis of each link is not taught or suggested by the proposed combination of Enomoto, Blackard, and Davis.

Applicants note that, as is reflected in the claims, this shaping on a "per-link" basis is also performed on a "per-destination" basis. That is, Applicants' claims recite a corresponding queue for each destination MAC device on a ring network. Data from each

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queue, directed to a respective MAC device, is subject to shaping for each link the data will traverse in the data's unique path (with respect to data sent to different MAC devices) from the transmitting client to the destination MAC device. Applicants respectfully submit the cited portions of Enomoto, Blackard, and Davis fail to disclose such features. Furthermore, Applicants been unable to discern such teachings elsewhere in the cited references.

The remarks presented above with regard to independent claim 67 apply with equal force to independent claims 85, 101, and 110, which have been amended to include substantially similar limitations as independent claim 67. For at least the foregoing reasons, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejections to claims 67, 85, 101, and 110, as well as claims 68-74, 76-82, 84, 86-10, 102-109, 111-117, and 119-127 (which depend therefrom), and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

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